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"WHO IS MINDING THE CHILDREN?"

A Report to the 57th Legislature
From the
Children, Families, Health,
and
Human Services Interim Committee

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Introduction

The Children, Families, Health, and Human Services Interim Committee (Committee) was created in Senate Bill No. 11 (Ch. 19, L. 1999). Senate Bill No. 11 placed responsibility for monitoring each of the Executive Branch agencies under one of six interim committees or the Environmental Quality Council.

The Committee is the descendant of the former Joint Oversight Committee on Children and Families. Begun as a study committee authorized by House Joint Resolution No. 54 in 1991, it was continued for a second biennium under a study resolution in 1993 and became a permanent interim committee in 1995 (Ch. 414, L. 1995). Under SB 11, the duties of the Committee were reformulated, adding administrative rule review, program evaluation, and monitoring functions for the Department of Public Health and Human Services (DPHHS) and the entities attached to the DPHHS for administrative purposes (5-5-225, MCA).

Study Plan and Committee Activities

The first meeting was held on June 15, 1999 (during the first special session of the interim), at which time the Committee elected its officers. Senator Mignon Waterman was elected as presiding officer, and Representative Loren Soft was elected as vice presiding officer. Legal staff provided an overview of the Committee's administrative rule review responsibilities.

Staff prepared a listing of issues that included possible topics that were derived from the DPHHS structure, 1999 legislative issues, House Bill No. 2 (Ch. 578, L. 1999) issues, and interested persons' concerns. The Speaker of the House, Representative John Mercer, had also requested that each interim committee hear its respective agencies' overviews. The Committee asked Laurie Ekanger, Director of the DPHHS, for a presentation based on the mission of the DPHHS and major issues.

The Committee received an introductory DPHHS presentation from each division administrator at the August 20, 1999, meeting. The Committee adopted the following issues as the basis of its work plan:

- to keep updated on the combined application for the Children's Health Insurance Program (CHIP);
  - ✓ Although the DPHHS currently uses a shortened application form, it will never be as short as people would like as long as Montana continues to have an asset and resource test.

- to continue to resolve the mental health oversight issue through the HJR 35 Subcommittee;

- to continue monitoring the tobacco settlement funds with the Committee responsible for drafting appropriate legislation for its use;
  - ✓ A subcommittee of entities who are interested in the settlement funds could be formed.

- to assess dental access for children in CHIP and Medicaid and for children across the board;

- to request the Health Care Advisory Council to identify whether the decrease in Families Achieving Independence in Montana (FAIM) enrollment is causing an increase in the number of uninsured people;

- to requested an update on how many FAIM participants are getting sanctioned and on what the most frequent violation is;

- to continue monitoring welfare reform in general;
  - ✓ Senator Keenan will coordinate with and request that NCSL provide a report regarding the flexibility and opportunities for use of the block grant funds.

- to handle the HB 2 report requirement through standard reports.

Senator Waterman appointed Representative Lawson to the Developmental and Disability Services working group, appointed Representative Soft and Senator Berry to the assumed and nonassumed counties (public assistance) study through the Human and Community Services Division of the DPHHS, and appointed Representative Soft and Senator Berry to the Governor's Tobacco Use Prevention Advisory Council. Representative Schmidt was requested to keep the Committee informed of the issues coming before the Children's Services Advisory Council and was appointed presiding officer of the Committee's Tobacco Settlement Subcommittee. Representative Soft and Senator Berry were also appointed to the Tobacco Settlement Subcommittee. Senators Waterman, Keenan, and Berry were appointed members of the House Joint Resolution No. 35 Subcommittee on Mental Health Managed Care. Senator Franklin also served on the HJR 35 Subcommittee in her capacity as a member of the Legislative Finance

Committee. Senator Keenan served on the Montana Health Care Advisory Council and the Mental Health Oversight Advisory Council as presiding officer. Senator Waterman also served on the Mental Health Oversight Advisory Council. Senator Berry, Representative Squires, and Senator Waterman attended various meetings of the Montana Dental Access Coalition. This is not an exhaustive list of the activities of the Committee members, but lists those activities that were directly related to the Committee's work.

The Committee held a total of six meetings over the interim, in addition to the meetings that many members attended on behalf of the Committee. Committee minutes and exhibits, including reports, are available from the Legislative Services Division for the meeting dates: June 15, 1999, August 20, 1999, November 19, 1999, February 25, 2000, June 21, 2000, and August 17, 2000. Committee staff also created and maintained a website for the Committee at *http://leg.state.mt.us/Interim_Committees/Children_and_Families/index.htm* that provided access to agendas, minutes, staff reports, and other information about Committee activities.

House Bill No. 2, the general appropriations bill, made numerous references to the DPHHS and interim committee work. The Committee monitored these activities as reflected in the other sections of this report. The HB 2 provisions were:

- The Supreme Court was encouraged to work with the DPHHS to develop joint rules, regulations, and procedures for the foster care review process.
  - ✓ The Committee received reports from the Child and Family Services Division and reviewed the suggested legislation.

- The DPHHS shall present a report to the appropriate legislative committee every 6 months during the 2001 biennium on the Governor's Council on Children and Families. The report must contain, at a minimum, the goals, functions, expenditures, and funding of the Council.
  - ✓ The report was received at the Committee's August 17, 2000, meeting and included the required elements.

- The DPHHS shall include members of the appropriate legislative committee in development of a plan to create a uniform statewide system of funding for the Temporary Assistance for Needy Families (TANF) maintenance of effort and eligibility determination for cash assistance, food stamps, and Medicaid programs and for foster care program costs. The plan must provide a predictable and adequate source of funding and eliminate the historic distinction in funding human services costs between assumed and nonassumed counties.

✓ Senator Berry and Representative Soft were the Committee contacts for this effort by the DPHHS and a report was received on the outcome at the August 17, 2000, meeting. There are dual proposals; one involved the Senate Bill No. 184 (Ch. 584, L. 1999) study on district court funding and, as a backup if that legislation fails, the DPHHS was preparing legislation based on a 5-year average of costs that would require additional state funding.

- The DPHHS shall provide quarterly reports beginning July 1, 1999, to the appropriate legislative committee (per SB11), and the reports must include: the Human and Community Services Division's means for identifying FAIM recipients who may be qualified for Social Security disability income and Supplemental Security Income (SSI), the number of FAIM recipients who might meet SSI criteria, the Division's progress in getting people moved from FAIM to SSI, and the number moved from FAIM to SSI.
  ✓ The DPHHS provided general information and monthly reports on its website regarding the numbers of FAIM persons receiving SSI assistance. A report was provided at the August 17, 2000, meeting indicating the numbers of applications, reapplications, reconsiderations, and appeals by the categories won, pending, withdrawn, or denied. The numbers are predominantly in the single digits.

- The DPHHS shall provide detailed information on the services provided and results of the Montana Initiative for the Abatement of Mortality in Infants (MIAMI) programs on Indian reservations to the appropriate legislative committee by September 1, 2000.
  ✓ The Committee received the report following its August 17, 2000, meeting.

- The DPHHS shall report to the appropriate legislative committee on activities funded by the federal abstinence educational grant at the first meeting convened after the end of FY 2000. The report must enumerate and explain how grant funds were expended by type of expenditure in FY 1999 and FY 2000, explain the status of training for communities and other entities, explain other information pertinent to federal grant requirements and outcomes, and identify measurable program goals and objectives for the 2001 and 2003 bienniums.
  ✓ The Committee received the report at its August 17, 2000, meeting, and included the required components.

- The Disability Services Division is directed to develop a proposal by June of 2000, to be reviewed by the Committee, that considers the following options:
  (1) moving individuals from the Montana Developmental Center (MDC) and Eastmont Human Services Center (EHSC) to community settings if it is determined that a person may benefit from services in a community setting and if the services that are appropriate for the person's needs are available;
  (2) based on the population remaining at both institutions, determine if an institution could be closed;

(3) if an institution is proposed to be closed, explore and recommend alternative uses for that institution; and
(4) develop a reduction in force plan that takes into consideration a reasonable way to reduce the staff at the institutions through normal attrition and planned layoffs and calculate the cost for paying out sick leave, vacation, and severance pay.

✓ The Committee received a presentation at its August 17, 2000, meeting and the recommendations were to continue to operate MDC and EHSC with continued community referrals and placements, that funding must be substantially increased to serve more people in the community, and that the commitment law needs revision. No recommendation on closing an institution was formulated. However, a recommendation noted that benchmarks are needed to trigger changes in the mission or closure of one or both facilities and that the DPHHS should establish such benchmarks and ensure that they are followed. The report did not explore and recommend alternative uses for a closed institution, but recommended that if population benchmarks are reached, appropriate community stakeholders should be involved to identify appropriate alternative uses and ownership of facilities. No reduction in force plan was recommended, but the report noted that the provisions of 2-18-622, MCA, on reduction in force and provisions under the collective bargaining statutes apply.

- The DPHHS shall provide a report to the Legislative Finance Committee and to the appropriate legislative committee no later than July 1, 1999, regarding the mental health managed care plan, including how the Montana State Hospital (MSH) will be integrated into the mental health care contracts, how services will be funded, and how rates and charges for all services at MSH will be established.
  ✓ Since the mental health managed care plan was not implemented, but a fee-for-service reimbursement system was put in its place, the DPHHS interpreted this provision as no longer applicable. Neither committee pursued this issue further.

Administrative Rule Review

The Committee reviewed the rulemaking of the DPHHS. The Legislative Services Division legal staff reviews all DPHHS rulemaking proposal or adoption notices; a duty that remained the same in method, timing, purpose, and review of legality as it did for the former Administrative Code Committee. The legal staff review is triggered by the submission of a notice to the Secretary of State by a state agency. After a public hearing is held (if any) and public comments are considered, a notice of adoption of the rule is published and the rule becomes effective. The purpose of the legal staff review is to determine if the Montana Administrative Procedure Act

(MAPA) and other statutes were followed. The agency determines legislative intent by the language of the statute, which may or may not include a statement of purpose, by speaking to the prime sponsor, and from other public comments. The legal staff only reviews the proposed rule and the statutes.

The review will catch legal errors, but it is not intended to judge the merit of the idea or other possible interpretations of intent by individual legislators.

The Committee asked legal staff to advise the members of any major issues pertaining to administrative rules, and the Committee remained open to the possibility of any issues raised by the public regarding administrative rules. The significant administrative rule issues considered by the Committee were the following:

- The Committee registered an objection on Rule X of the Network Adequacy for Managed Care Rules with the DPHHS on September 23, 1999. The DPHHS claimed that the rule had already taken effect on September 13, 1999. The Committee heard testimony on Rule X at its November 19, 1999, meeting and it decided to take no further action regarding its September 23, 1999, objection in a 6-1 vote, with Representative Lawson voting no. The effect of this decision was to allow the DPHHS interpretation that the rule is in effect. The Committee did not preclude action in the future, such as the Committee or individual legislators petitioning the DPHHS to amend or repeal the rule, or drafting legislation for next session regarding the DPHHS's rulemaking authority.

- Final State Children's Health Insurance Program (CHIP) Rule: Federal guidelines for CHIP were published November 8, 1999, in the Federal Register. The DPHHS provided draft copies to the Committee in February 2000 and submitted the final rules to the Secretary of State on May 1, 2000. The DPHHS staff also provided a copy of the final rules to the Committee.

- At the November 19, 1999, meeting, the Committee requested that the Legislative Council review the issue of when an administrative rule actually takes effect and determine if a clarification was needed. The Legislative Council has requested legislation (LC0193) for the 2001 Session to amend 2-4-306, MCA, to clarify that an administrative rule is adopted on the date that the adoption notice is filed with the Secretary of State and is effective on the date subject to statutory or constitutional provisions or as specified in the rule itself.

- The Committee received regular information regarding a work group that was meeting on informally proposed administrative rules relating to quality assurance and managed care. An adoption notice had not been filed by the end of October 2000.

- Hank Hudson, Administrator, Human and Community Services Division, DPHHS, notified the Committee that a request had been made by Montana People's Action for a public hearing on the rules pertaining to SB 353 that requires a limit on the use of sanctions in FAIM. The public hearing was set for January 5, 2000.

Program Evaluation

In fulfillment of its program evaluation function, the Committee received information and presentations on the following activities:

- The Committee received regular listings of DPHHS audit reports completed by the Legislative Audit Division.

- The Committee received a report from the DPHHS on the issue surrounding Social Security numbers on recreational license applications at its June 21, 2000, meeting. The requirement originated in the Federal Balanced Budget Act of 1996 and required Social Security numbers on driver's licenses and recreational licenses for child support enforcement purposes. Senate Bill No. 76 (Ch. 29, L. 1999) enacted the provisions into state law. The controversy was most recently raised during the May 2000 Special Session in which two bills intended to mitigate the problems failed (HB 9 and SB 10). In a September 2000 letter to all legislators, the DPHHS provided information that the Child Support Enforcement Division (CSED or Division) had:

  > . . . submitted a request for relief from federal law requirements concerning the collection of Social Security Numbers on conservation licenses issued by the Department of Fish, Wildlife and Parks. In its exemption request to the federal Office of Child Support Enforcement, the Division asked to be allowed to collect driver's license numbers from conservation license applicants over the age of 16. Instead of Social Security Numbers, the Division seeks to be allowed to collect driver license numbers instead. If an applicant does not have a driver's license, a Social Security Number would be required. The CSED believes the use of driver's license numbers is an appropriate substitute, since a Social Security Number can be obtained from the driver's licensing agency, and the Social Security Number is not available to non-government employees. The Division also asked to be excused from the collection of Social Security Numbers from conservation license applicants under the age of 16.

  Information on the request is expected prior to the 2001 Legislative Session.

- The issue of the large number of Montanans who are uninsured for health care was brought to the Committee. The Montana Health Care Advisory Council sponsored a white paper entitled, "*Strategies for Improving Access to Health Care Coverage*". The paper was accomplished as a part of the State Coverage Initiative sponsored by the Robert Wood Johnson Foundation. Montana received assistance from the Alpha Center in a January 2000 site visit to begin discussion on possible solutions. As an outcome of this effort, the DPHHS made application for a state planning grant from the federal Health Resources and Services Administration.

- FAIM and FAIM II - The Committee received updates on November 19, 1999, February 25, 2000, June 21, 2000, and August 20, 2000, on the progress of planning for the second phase of Montana's public assistance program Families Achieving Independence in Montana (FAIM II). The Committee was especially interested in progress on the sanctions policy, postsecondary education, and application assistance for Social Security Supplemental Security Income (SSI). Concern was expressed that work does not necessarily lift persons out of poverty and should be meaningful work. Concerns were raised by advocates regarding public input in FAIM II planning. The DPHHS solicited ideas from advocacy groups and invited 8,000 clients to participate. Advocates were concerned over the format of the meetings and the lack of opportunity for negotiation. The DPHHS held 25 meetings in 18 communities. The DPHHS reported that it will seek to remove the assets test, was removing the requirement when possible for the face-to-face interviews, and was reviewing additional screening activities at the community level for participants so that they could use postsecondary education as partial fulfillment for work activity. At the final meeting, the Committee was presented a report on the sanctions policy.

- A related FAIM issue was the HB 2 (1999) direction of a solution to equitable funding of public assistance at the county level. A working group worked on a solution to the assumed - nonassumed county split. An assumed county is one in which the state has assumed the administrative costs of public assistance in exchange for the nine mills levied for that purpose. County funding in general was also being studied through SB 184 by the Departments of Administration and Revenue. There will be a two-track approach in the 2001 Legislative Session with a backup bill being prepared to parallel the county funding bill resulting from SB 184. The secondary bill will seek to freeze each county at the average of its last 5 years' payments towards public assistance for 5 years before recalculation at a cost to the state of approximately $1 million.

- In conjunction with the Committee's interest in FAIM, the Committee heard a presentation by Pat Gervais, Associate Legislative Fiscal Analyst, on *Flexible Spending of TANF and State Maintenance of Effort Funds* at the June 21, 2000, meeting. TANF is the federal Temporary Assistance for Needy Families block grant that funds the federal portion of FAIM.

- A petition process for an initiative for a constitutional tobacco settlement trust fund for health care was in progress throughout the interim, and the Committee received reports of its progress. During the May 2000 Special Session, the Legislature passed Senate Bill No. 13 (Ch. 5, Sp. L. May 2000) for a constitutional amendment on the trust fund relieving the supporters of the need for a petition. The constitutional amendment ballot issue is C-35 and, if approved by the electorate on November 7, 2000, it would create a permanent trust fund with 40% of the funds received as a result of the tobacco settlement, with nine-tenths of the interest income dedicated to benefits, services, or coverage for health care and the remaining one-tenth deposited back into the trust fund.

- In order to prepare for the 57th Legislative Session, the Committee heard overviews of the DPHHS Executive Planning Process (EPP) budget and legislative proposals at the June 21, 2000, and August 17, 2000, meetings.

- The Committee heard the results of a 3-year project conducted by Mary LaFond, Governor's Budget Analyst, which followed specific adult and juvenile offenders in the corrections system. She specifically extracted information for the Committee on dysfunctional family history, mental health, and juvenile costs to illustrate the correlation between human services and corrections.

- An issue was raised by members of the public from the Chippewa Cree and Northern Cheyenne Tribes who were concerned about recent activities involving the DPHHS and the Area 7 Agency on Aging. Area 7 represents the tribal programs providing services pursuant to the Older Americans Act for which specific funding comes through the state. The nonprofit organization administering the funds is being investigated for allegations of misappropriation and theft of funds reported by the DPHHS that had ended its contract with the nonprofit organization for Area 7 and contracted directly with the tribes for services. Direct contract between the DPHHS and the tribes is allowed only for a short period of time by federal regulation. The Senior and Long Term Care Division Administrator reported progress at the June 21, 2000, and August 17, 2000, meetings. Records and unspent funds were seized, and a criminal investigation was underway. The Committee asked the DPHHS to specifically address the recommendations received by Jonathan Windy Boy, Chippewa Cree Business Committee, on resolution of the issue. At the final meeting, the DPHHS reported that it had entered into direct contracts with each of the tribes by June 30, 2000, and has paid them $138,000 for services delivered from December 1999 to June of 2000. Contracting with the tribes directly is generally problematic because of requirements by the Montana Attorney General for specific contract language waiving tribal sovereignty. The DPHHS has recovered an additional $106,000 in funds that will be disbursed to the tribes. The three options for the longer term presented were: (1) reconstitute another private not-for-profit corporation and contract an arrangement much like the Area 7 contract; (2) create a governing body within the MT-WY Tribal Leaders Council that would perform administrative functions that are normally done by an Area Agency on Aging and the money would pass directly

from the state to the tribes; and (3) acquire a federal waiver so that the money flows directly from the federal government to the tribes. Negotiations were continuing.

- At the June 21, 2000, meeting, a group named Concerned Citizens of Butte raised the issues of the high workload in Butte for child protective services and worries that family preservation has taken precedent over the safety and welfare of citizens. The DPHHS recommendations were that the safety of children should take precedence; that earlier criteria for identification, evaluation, and intervention should be established; that temporary placements and professionally staffed permanent placements for the removal of children from the home are needed; that there should be more training and education for staff; and that more training, education, services, and support for adoptive and foster families should be provided.

Monitoring - Standing Reports

In its role of monitoring the DPHHS, the Committee heard regular standing reports at each meeting from the following programs:

- The Committee received regular updates on the State Children's Health Insurance Program (CHIP). At the Committee's final meeting, CHIP enrollment was reported at 7,034 and the Committee received information from DPHHS on the Fall 2000 media and public relations campaign. The Committee also received information from the Healthy Mothers Healthy Babies Montana Covering Kids Project.

- The Committee received regular reports from members and staff of the HJR 35 Subcommittee on Mental Health Managed Care, the DPHHS, the Mental Health Managed Care Ombudsman (Bonnie Adee) and the Mental Health Oversight Advisory Council (MHOAC) members. Legislative Finance Division staff provided the Committee with the HJR 35 study plan, Issues and Options for Consideration, a MHOAC document on the statutorily Defined Elements of a Mental Health System, and a chart illustrating the relationship of the MHOAC recommendations to the DPHHS 2002-2003 budget submission.

- The Committee's Tobacco Settlement Subcommittee participated as members of the Governor's Tobacco Use Prevention Advisory Council and presented regular updates. The draft 5-year plan was presented to the Committee at its February 25, 2000, meeting.

- The Disabilities Futures Study was mandated in HB 2. The DPHHS contracted with the Montana Consensus Council to assist in the study. A major issue in the resolution of the waiting list for services for persons with developmental disabilities and the development of community services is the inequity between the pay of community service providers

and employees at the state institutions. The result is a shortage of providers in the community, which exacerbates the inability to place persons with developmental disabilities in community programs. The Committee is also concerned with persons who have coexisting disorders and who do not seem to be able to access appropriate services from within a single program and sometimes from neither. The DPHHS and members from the study committee received the final written report on June 30, 2000, in compliance with HB 2. The DPHHS and members from the study committee gave a presentation to the Committee on August 20, 2000. The Committee learned at this meeting that the Montana Advocacy Program did not consent to the contents of the final report and that they would proceed with their pending litigation.[1] The Committee made a specific recommendation to the DPHHS regarding this topic.

- The Child and Family Services Division gave regular reports and a special February 25, 2000, presentation, including distributing a guide to child protective services entitled, *What Happens Next?*. A midyear status report based on service goals and measures for children and families and desired system improvements, including increases in kinship care, family group conferencing, management reports, and consistency was also provided. There are higher numbers of children in care, which lengthens the legal process, there are more children awaiting permanent placement, and there are needs for additional support and training for foster families and for postplacement support. Major issues are a need for additional database training and improvements, interaction of drug and alcohol case issues, staff turnover and retention, federal funding streams, and the amount of time involved in processing cases.

- There is a new position in the Department of Justice that was funded by the 1999 Legislature to assist county attorneys through a process with time-bound restrictions and procedures for children in child abuse and neglect circumstances.

- The Child and Family Services Division administers foster care and child protective services and worked over the interim with the Court Assessment Project and the Local Citizen Review Board Pilot Program to negotiate changes in the foster care review process. Legislation was suggested by the Court Assessment Advisory Committee to go statewide to the citizen review board model and to phase out DPHHS-run foster care review committees. Consensus had not been reached, and the Committee heard testimony from those involved in a district court citizen review board about potential changes that were objectionable. The Committee declined to endorse the legislation pending future negotiations.

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[1]Litigation had been postponed awaiting a decision by the U.S. Supreme Court in the case Olmstead v. L.C., No. 98-536, ___U.S.___ (1999), decided June 22, 1999, and on this study.

- The presiding officer of The Governor's Council on Families, Honorable Katherine Curtis, or the Council staff, also reported regularly to the Committee as required by HB 2.

Special Activities

TOBACCO SETTLEMENT

The Committee received periodic reports regarding the tobacco settlement, initially on the tobacco settlement fund allocation to the National Guard Youth Challenge Program, CHIP, tobacco use prevention, and the Montana Comprehensive Health Care Association and also received reports on the progress toward state-specific finality and release of funds. State-specific finality was reached November 12, 1999, and the state received its first payment of $10.49 million on December 14, 1999. State-specific finality was the settlement provision by which 80% of the states or states having 80% of the allocable share of aggregate had to have final settlement before funds could be released. Otherwise funds would not be released until June 30, 2000. Some states have parties attempting to intervene or to appeal the master settlement agreement. The master settlement agreement carved out claims so that tribes, local governments, or individuals were released and the ability for those parties to pursue litigation was reserved; e.g., the lawsuit recently filed by the Navajo Nation. Congress also waived the federal reimbursement claim against Medicaid dollars.

Terry Johnson, Principal Fiscal Analyst, Legislative Fiscal Division, supplied the Committee with information regarding the tobacco settlement revenue and the results of the SB 13 constitutional amendment if it is approved by the electors on November 7, 2000.

In a followup report of the disbursement of the tobacco settlement funds, the Committee received a presentation on the National Guard Youth Challenge Program. At the August 20, 1999, meeting, the Committee adopted a motion that staff write a letter to the State Administration, Public Retirement, and Veterans' Affairs Interim Committee (SAIC) requesting that the Committee become the monitoring committee for the National Guard Youth Challenge Program. A November 15, 1999, response was received stating that the SAIC would retain oversight functions, but that the Committee would be notified if any issues arise that concern the DPHHS. The Committee requested and received an update at its February 25, 2000, meeting. The SAIC

invited the Committee members to visit the Pre-Challenge (orientation 1-week) program in Helena on August 2, 2000.

DENTAL ACCESS

The Committee was invited to the first Montana Dental Summit, which was held on November 18, 1999. The Summit's purpose was to engage Montana in the National Oral Health Initiative, and it was hosted by the federal Health Resources and Services Administration (HRSA) and the Health Care Financing Administration (HCFA) in coordination with the Montana DPHHS, the Montana Primary Care Association, and the Montana Dental Association. The Montana Dental Hygienists Association and the Montana Dental Assistants Association also participated fully in the Summit.

Severe limitations in access to oral health care in the state were identified in meetings held during the summer of 1999 that were concerned with children's health care. The result of the Summit was the creation of the Montana Dental Access Coalition (Coalition), a coalition of dental professionals, federal, state, and local public health professionals, elected officials, Executive Branch agency representatives, representatives of higher education, and other people interested in improving oral health and access to dental care, particularly for the underserved, in Montana.

Members of the Committee attended the Summit and invited the Coalition members to bring forth strategies that needed legislative action or executive budget consideration. The Committee assigned staff to participate as a convener in the Coalition activities, and staff assisted in the compilation of the Montana Dental Action Plan. Staff also created and maintained the Montana Dental Access Coalition website at *http://leg.state.mt.us/Interim_Committees/ Children_and_Families/ dental_summit/dental.htm* The Committee received regular updates from the Coalition, including updates from representatives of the federal agencies of HRSA and HCFA, on November 19, 1999. After a second Summit was held on July 25, 2000, the Committee received a final presentation of the Montana Dental Action Plan at its August 18, 2000, meeting. Many of the Committee's final recommendations supported Coalition recommendations.

Committee Recommendations

- On November 19, 1999, the Committee adopted a motion to send a letter to Secretary Donna Shalala, U.S. Department of Health and Human Services, urging the federal government to increase the limit of state contributions so that Montana State employees could participate in the CHIP program.

- The Committee adopted a motion at the February 25, 2000, meeting to send a letter to the DPHHS in support of efforts to seek a Community Integrated Service System grant for dental access.

- The Committee adopted a motion at the June 21, 2000, meeting to send a letter to Dr. Earl Fox, Administrator of HRSA, supporting the DPHHS application for a state planning grant.

At its final meeting, on August 17, 2000, the Committee made the following final recommendations:

- That the DPHHS continue to meet with interested parties to resolve the issues surrounding developmental disability placements; that it work to establish a seamless system, meaning that it should provide an appropriate level of service at the appropriate time in a client's continuum of care; and that it revise or eliminate commitment laws and present proposed legislation to the 2001 Legislature.

- That the Committee write a letter to the Board of Regents urging them to pursue the establishment of a dental hygiene program at an institution of higher education in Montana.

- That the Committee write a letter to the Governor, the Board of Regents, and the Commissioner of Higher Education endorsing the current Commissioner of Higher Education's budget proposal that includes expansion of the WICHE and the University of Minnesota dental student slots.

- That the Committee write a letter to the DPHHS urging it to seek tobacco use prevention funds for dental health education and screening in Montana's elementary schools because it is an appropriate use for those funds.

- That the Committee write a letter to the Governor in support of the original Medicaid dental budget request to increase reimbursement rates for Medicaid dental services.

- That a Committee bill be requested that would allow access by the DPHHS and community nonprofit organizations to cars from the state motor pool when they become

surplus. Vehicles obtained in this manner are to be used by recipients who are leaving the FAIM program. This bill will be based on Senate Bill No. 469 from the 1999 Session, which failed. The 2001 Legislative Council number is LC0097.

Areas for Future Study

The 1999-2000 Committee was somewhat frustrated at the charge to monitor such a large agency with so many major program responsibilities. The Committee believed that it may be necessary to identify a small number of issues to study over an interim instead of all agency programs. The following issues remained of concern at the end of this interim and could be considered for study by the Committee for the next interim.

The issues surrounding the public mental health system have persisted, and access, funding, development of community services, and the administration of the program deserve attention in the future. As the interim committee charged with monitoring the DPHHS, the Committee should continue to monitor this issue and participate in any future study on the mental health system. A related concern regards an "Interim Progress Report" by The Technical Assistance Collaborative, Inc. (October 4, 2000) to the Legislative Finance Committee. They found that the DPHHS Addictive and Mental Disorders Division management by administrative rule was problematic and recommended modification of the "regulatory approach as minimum requirements rather than the primary method of system control". Any final report from the consultant or resulting changes by the DPHHS should be reviewed by the next Committee to analyze what affect any recommendation regarding administrative rules has on the delegation of legislative authority and if corresponding statutory changes may be necessary. The use of an enrollment cap for the Mental Health Services Plan implemented by emergency rule could be further analyzed for its affect on the population that is in need of public mental health services and for the appropriateness of its use.

The Committee recommended that the Disability Services Division continue to meet with interested parties to resolve the issues surrounding developmental disability placements; that it work to establish a seamless system, meaning that it should provide an appropriate level of service at the appropriate time in a client's continuum of care; and that it revise or eliminate commitment laws and present proposed legislation to the 2001 Legislature. The Montana Advocacy Program litigation and efforts to resolve the litigation toward the goal of a seamless

system would be a timely study topic next interim. The development of benchmarks for institutional closure was a recommendation to the DPHHS, and progress toward that end could also be monitored. Also, the result of the recommendation to eliminate the commitment laws should be reviewed to determine whether it was presented to the 2001 Legislature and its success or whether it warrants study in the next interim.

Welfare reform will also be a timely issue, especially as the state enters into FAIM II and the first recipients begin to hit the 5-year time limit implemented in federal welfare reform. The allocation of block grant funds could be an issue that this Committee may want to explore further in order to pursue programs or options that the Committee determines to be valuable and to potentially make policy recommendations to the Legislative Finance Committee for possible consideration of any fiscal ramifications.

The Interagency Coordinating Council (ICC) for State Prevention Programs has been directed to prepare a unified budget since 1993 (2-15-225, MCA). The various prevention programs' actual budgets remain separate although a unified budget has been reported in the Governor's budget as required. As this was a transition year for the Committee and for ICC, little attention was given to this area. For future study, the Committee may want to review the ICC and this requirement. Budget unification is still an area of concern, and the Committee could provide further direction on a unified budget and define the expectations for format and use that would be beneficial to the ICC in further developing a unified budget.

The attempts to streamline the application for CHIP, Medicaid, and other public assistance programs has resulted in much progress, but DPHHS testimony revealed that until the asset tests are removed, further simplification will not be possible. Efforts toward a single point of entry to all programs has been a goal of some Committee members, and the DPHHS is bringing forward suggestions to the Legislature for the 2001 Session that work toward this goal. Continued attention to this matter is relevant for efficient operation of the DPHHS and for streamlining services to the public and could be a topic of study.

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